UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA RECEIVED NORTHERN DIVISION

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UNITED STATES OF AMERICA Plaintiff,	DEBRA P. HACKETT, CLK U.S. DISTRICT COURT MIDDLE DISTRICT ALA
v.) CIVIL ACTION NO. 2:07ev514-WKW
SIXTEEN THOUSAND FIVE HUNDRED FIFTY TWO (\$16,552) DOLLARS IN UNITED STATES CURRENCY Defendant.))) July 12, 2007

VERIFIED CLAIM TO CONTEST FORFEITURE

COMES NOW the Claimant, Mr. Gerderrick Moncrief (hereinafter Mr. Moncrief) and presents as his Claim to Contest Forfeiture, the following:

- 1. Mr. Moncrief resides at 748 Ryefield Court, Montgomery, Montgomery County, Alabama. His social security number is 423-04-1408.
- 2. The United States of America, through the United States Attorney's Office, has filed a Verified Complaint for Forfeiture in Rem upon Mr. Moncrief. The Claimant was served, through his undersigned counsel, on or about July 5, 2007, and therefore this Claim is timely, according to 18 U.S.C. §983(a)(4)(A) and Supplemental Rule G(5).
- 3. On or about December 15, 2006, Mr. Moncrief was wrongfully charged with cases that are currently pending in Montgomery County Court. Pursuant to those charges, Mr. Moncrief's home was entered and searched by Montgomery Police Officers. During that search, certain assets were taken from Mr. Moncrief's home.
- 4. Certain assets, including the \$16,552 defendant currency, were seized on December 15, 2006, at Mr. Moncrief's residence, 748 Ryefield Court, Montgomery, Montgomery County,

Alabama. The assets were originally listed as Asset ID 07-DEA-478082, Case No. KI-05-0026. On March 2, 2007, Mr. Moncrief filed a claim with the Drug Enforcement Agency, to contest the forfeiture of these assets. His claim was then forwarded to the United States Attorney for the Middle District of Alabama.

- Mr. Moncrief asserts that the defendant \$16,552 in United States currency was 5. lawfully earned through his business, namely Step Yo Game Up, which sells premium automobile wheels and tires at 2501 Highland Avenue in Montgomery, Alabama. This money constituted a substantial portion of the gross receipts from his legitimate business, Step Yo Game Up, between December 4, 2006, and December 13, 2006.
- The seized \$16,552 in U.S. currency was in Mr. Moncrief's coat pocket in a closet at 6. his home, and would have deposited them into his account; however, he was delayed in making this deposit because of surgery he had on December 14, 2006. Before Mr. Moncrief could make the deposit, the \$16,552 was wrongfully removed from his home by Montgomery Police Officers.
- Attached hereto are receipts for merchandise for which the seized cash was received, 7. totaling \$18,950 and sold by Mr. Moncrief's business. Mr. Moncrief certifies that these receipts were for sales of merchandise by his business from December 04, 2006, to December 13, 2006, the two week period prior to the seizure. The \$16,552 seized from Mr. Moncrief's home was a large portion of the cash received in these sales during this period.
- The loss of this substantial portion of cash receipts has caused serious financial 8. difficulty for Mr. Moncrief's business as he has had difficulty paying for new inventory and business expenses.

The foregoing considered, Mr. Moncrief requests the immediate return of his property, as the

loss of this money is adversely affecting his business.

I have read the foregoing Claim, and I swear, under the penalty of perjury, that it is true and accurate in every respect.

Filed 07/12/2007

Claimant

Respectfully submitted, this the 12th day of July, 2007.

OF COUNSEL:

McPHILLIPS SHINBAUM, L.L.P.

P. O. Box 64 Montgomery, AL 36101 Telephone – (334) 262-1911 Facsimile – (334) 263-2321

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Claim via U.S. Mail, postage prepaid and properly addressed, upon the following counsel for the United States:

John T. Harmon, Esq. Assistant United States Attorney 201 One Court Square (36104) P.O. Box 197 Montgomery Alabama 36101-0197

This the 12th day of July, 2007July 2007.

AFFIDAVIT OF GERDERRICK MONCRIEF

STATE OF ALABAMA	
COUNTY OF MONTGOMERY	

Personally appeared before me, the undersigned Notary Public in and for the State of Alabama at Large, Gerderrick Moncrief, who is known to me and who, being duly sworn, deposes and says on oath and subject to the penalty of perjury, as follows:

- 1. My name is Gerderrick Moncrief, I am a resident of 748 Ryefield Court, Montgomery, Montgomery County, Alabama. My social security number is 423-04-1408. I am over the age of nineteen (19) years.
- 2. I am filing a Claim to Contest Forfeiture of \$16,552 that was wrongfully seized from my home. I am the lawful owner of \$16,552 in cash, which was seized during a wrongful search of my home at 748 Ryefield Court, Montgomery, Alabama, on December 15, 2006. The listed asset was in my coat pocket in my closet in my home.
- 3. I had surgery on the back of my head on December 14, 2006, the day before the search of my home. I had the \$16,552 cash at my home because I intended to deposit it in my business bank account, but failed to do because of the surgery and recovery from the surgery.
- 4. The cash in question was from the gross receipts from my legitimate business, Step Yo Game Up, which sells premium automobile wheels and tires. My business is located at 2501 Highland Avenue in Montgomery, Alabama.
- 5. Attached to my affidavit are copies of receipts for merchandise sold by my business. I certify that the attached are true and accurate copies of receipts for merchandise sold by my business from December 4, 2006 to December 13, 2006, during the two week period prior to the

seizure. These receipts total \$18,950. The \$16,552 seized from my home was a substantial portion of the cash received in these sales during this period.

- 6. The loss of this substantial portion of cash receipts is causing serious financial difficulty for my business. I have had difficulty purchasing new inventory and paying business expenses.
- 7. I am due the return of the entire \$16,552 seized from my home on December 15, 2006, because this currency constitutes gross receipts from my legitimate business.
- 8. I do hereby solemnly swear, under penalty of perjury, that the foregoing is true and accurate in every respect.

Any further communication with me on this matter should be by and through my attorney, Joseph C. Guillot, at McPhillips Shinbaum, L.L.P., 516 S. Perry Street, Montgomery, Alabama 36104.

Gerderrick Moncrief

STATE OF ALABAMA

COUNTY OF MONTGOMERY)

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I, the undersigned, a Notary Public in and for said County in said State, hereby certify that **Gerderrick Moncrief**, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily, under oath and under the penalty of perjury, on this date.

SWORN TO AND SUBSCRIBED BEFORE ME this 12 day of July, 2007.

NOTARY PEBLIC

My Commission expires:

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